

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GLENN BRAXTON,

Petitioner,

No. C 08-1742 PJH (PR)

v.

ORDER OF TRANSFER

KATHY PROSPER, Warden,

Respondent.

This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a conviction obtained in Solano County. Solano County is in the venue of the United States District Court for the Eastern District of California. Petitioner is incarcerated at the California Correctional Center in Susanville, which also is in the Eastern District.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Because petitioner was convicted in Solano County, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(-a); Habeas L.R. 2254-3(b). Petitioner may disregard the clerk's notice regarding the filing fee.

IT IS SO ORDERED.

Dated: April 11, 2008.



PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL G. BRAXTON,
Petitioner,

Case Number: CV08-01742 PJH

CERTIFICATE OF SERVICE

v.

KATHY PROSPER,
Respondent.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 11, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Glenn Braxton T-26973
California Correctional Center
L-2-102-L
P.O. Box 2210
Susanville, CA 96127

Dated: April 11, 2008



Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk